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act, and all the provisions of this act shall be liberally construed to the end that the use of intoxicating liquor as a beverage may be prevented."

Section 33 declares: "It shall not be unlawful to possess liquor in one's private dwelling while the same is occupied and used by him as his dwelling only and such liquor need not be reported, provided such liquors are for use only for the personal consumption of the owner thereof and his family residing in such dwelling and of his *bona fide* guests when entertained by him therein. * * * After February 1, 1920, the possession of liquors by any person not legally permitted under this title to possess liquor shall be *prima facie* evidence that such liquor is kept for the purpose of being sold, bartered, exchanged, given away, furnished, or otherwise disposed of in violation of the provisions of this title."

In another recent decision the U. S. Supreme Court has held that the War-Time Prohibition Act was not in violation of the Fifth Amendment to the Constitution of the United States as a taking of property without compensation. *Hamilton v. Kentucky Distilleries & Warehouse Co.*, 251 U. S. 146. Also that the manufacture of beer containing 2.75 per cent alcohol prior to the enactment of the Volstead measure—that is, under the War-Time Prohibition Act, which did not define "intoxicating"—was legal. *United States v. Standard Brewery, Inc.*, 251 U. S. 10. And again that the prohibition of the manufacture of beer and other malt liquor containing as much as one half of one per cent of alcohol by volume, by the Volstead Act, is within the powers of Congress and enforceable. *Jacob Ruppert v. Caffey*, 251 U. S. 264.

The Eighteenth Amendment and the Volstead Act have been declared constitutional by the United States Supreme Court in two recent cases. *State of Rhode Island v. Palmer*, 40 Sup. Ct. 486; *Hawke v. Smith*, 40 Sup. Ct. 495.

For an interesting discussion of the principles involved in these decisions, see Lindsay Rogers, "Life, Liberty, and Liquor", 6 VA. LAW REV. 156, 179. This article thoroughly covers this ground; to add more than the quotation of the statutes and citations of the decided cases would be repetition.

MASTER AND SERVANT—CHILD LABOR LAW—CONTRIBUTORY NEGLIGENCE.—A statute provided that "no child under the age of fourteen years shall be employed by, or permitted to work in or about, any mill, factory, laundry, manufacturing establishment, or place of amusement; * * *". The plaintiff, a child of eleven years, was employed by the defendant, a manufacturer, in direct violation of the statute. The child brought an action for personal injury contributed to by his own negligence and arising as the proximate result of the employment. *Held*, the plaintiff cannot recover. *Keen v. Crosby* (Ga.), 103 S. E. 850. See NOTES, p. 378.

MASTER AND SERVANT—WORKMEN'S COMPENSATION ACTS—SCOPE OF EMPLOYMENT.—At a railway crossing where the deceased was employed by the appellant corporation to protect the public from its trains, there

was another track of a different railway corporation parallel to, and about fifty feet from, the track of the appellant. On the occasion of the accident, while the deceased was on duty by the appellant's track, a child stumbled and fell on the track of the other corporation in front of an approaching train. In attempting to rescue the child, the deceased was killed. *Held*, the accident did not arise out of and in the scope of the employment. *Priglise v. Fonda, etc., R. Co.*, 183 N. Y. Supp. 414. See NOTES, p. 390.

WILLS—LETTERS OF OVERSEAS SOLDIER VALID AS NUNCUPATIVE WILL.—The testator, a soldier in the United States Army during the recent war, held a war risk insurance policy payable to his estate. While in active service he wrote two letters home, in which he directed the proceeds of the policy to be paid to his sister whose infancy had prevented her from being named as beneficiary. Proof was made of his capacity, *animus testandi*, apprehension of death, and the corroboration of two witnesses. *Held*, the letters may be probated. *In re Hickey's Estate*, 184 N. Y. Supp. 399.

It is a well-known rule of the Common Law that a will of personal property, in the testator's own hand, without seal or witnesses present at its publication, is good; and no particular form of expression is material, if only the *animus testandi* is manifest. *Leathers v. Greenacre*, 53 Me. 561.

Before the Statute of Frauds, the ecclesiastical courts of England, to whose jurisdiction the establishment of testaments relating to personal estate belonged, required no ceremonies in the publication thereof, nor the subscription of any witnesses to attest the same. It is to be observed that the restrictions of that statute did not extend to wills made by any soldier being in actual military service, or to any mariner or seaman being at sea. *Leathers v. Greenacre, supra*; *In re O'Connor's Will*. 121 N. Y. Supp. 903.

The same exception in favor of informal testaments and nuncupative wills of soldiers and sailors is retained in England by the Statute of Wills. 1 Vict. c. 26, § 11. See *Hubbard v. Hubbard*, 8 N. Y. 196. In the greater part of the United States the law of wills is of pure English origin, modified by modern statutes, and in almost all of our States there are statutes practically identical with the English Statute of Wills, which except from the rigor of their provisions testamentary dispositions of personal estate made by soldiers and sailors in actual military service. Such statutes are to be construed strictly. *Taylor's Appeal*, 47 Pa. St. 31. For nuncupative wills, with the exception stated, have never been favorably regarded by the courts. *Godfrey v. Smith*, 73 Neb. 756, 103 N. W. 450.

In general, the soldier testator need not be in *extremis* nor in fear of immediate death when making such a will. *Leathers v. Greenacre, supra*; *Van Deuzer v. Gordon's Estate*, 39 Vt. 111. In some States, however, this is necessary. *Ray v. Wiley*, 11 Okla. 720, 69 Pac. 809. But it is universally required that such testator be in actual military service, and when he is in the enemy's country, performing such service, whether